

Remarks

Claims 1-15 were pending in the subject application. By this amendment, claims 5, 6, 10, 11, 14, and 15 have been amended and claim 16 has been added. The applicant asserts that no new matter is introduced by this amendment. Accordingly, claims 1-16 are currently before the Examiner for consideration and favorable consideration is respectfully requested.

As an initial matter, the drawings were objected to under 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned on page 4 of the description: 20, 24, and 40. Proposed amendments in red to Figures 1, 2, 4, 5, and 6 are attached. In addition, the drawings were objected to under 37 CFR 1.83(a) for failing to show the snap mechanism described in the specification. The applicant refers to Figure 6 and, in particular, to sides 46 and 48 shown in Figure 6. As described at page 5, lines 11-12 of the Specification, sides 46 and 48 can be pushed toward each other and snapped together so as to secure the wire within the wire receiving area. Accordingly, reconsideration and removal of these objections is respectfully requested.

The specification was objected to for various informalities. The applicant would like to thank the Examiner for the Examiner's helpful suggestions regarding the informalities identified. The applicant has amended the specification to address the noted informalities. Please note that the applicant assumed the references to page 4, line 2 were intended to be directed to 9, line 2, and amended the abstract accordingly. Accordingly, reconsideration and removal of this objection is respectfully requested.

Claims 5, 6, and 14 were objected to for informalities. The applicant respectfully asserts that claims 5 and 6 are not inconsistent nor is claim 14 lacking clarity. However, to expedite prosecution, claims 5, 6, and 14 have been amended in accordance with the Examiner's suggestions. Accordingly, reconsideration and removal of this objection is respectfully requested.

Claims 10-11 and 14-15 have been rejected under 35 USC §112, second paragraph as indefinite. The applicant respectfully submits that the claims are not indefinite. However, in order to expedite prosecution and to lend greater clarity to the claimed subject matter, the applicant has amended claims 10-11 to recite a "closure means for securing the wiring within the wire receiving area"; amended claim 14 to recite an "attachment means for attaching said first arm to a first inner

edge of a metal framing member”; and amended claim 15 to recite a “secondary attachment means for attaching said wiring clip to the metal framing member”. In addition, the applicant has amended claim 15 to properly depend from claim 14. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

Claims 1-6 have been rejected under 35 USC §102(b) as being anticipated by Knezo, Jr. (U.S. Patent No. 3,508,730). The applicant respectfully traverses this rejection on the grounds that the Knezo, Jr. patent does not teach or suggest a wiring clip as claimed in claims 1-6.

Specifically, the clip disclosed in the Knezo, Jr. patent is not for securing wiring to a metal framing member having a face and two sides, but, rather requires a horizontal or transverse supporting member attached to a pair of vertically disposed members (see col.3, lines 26-30). The transverse supporting members have a number of holes or slots to which the clip is mounted (see col. 4, lines 2-7). In contrast, the present invention as claimed in claims 1-6 provides a wiring clip for securing wiring to a metal framing member having a face and two sides. The wiring clip of the subject invention comprises a first, and second, attachment means for attaching the first, and second, arms to a first, and second, side of a framing member, respectively.

It is a basic premise of patent law that, in order to anticipate, a single prior art reference must disclose within its four corners, each and every element of the claimed invention. *Lindemann v. American Hoist and Derrick Co.*, 221 USPQ 481 (Fed. Cir. 1984). As noted above, the Knezo Jr. patent does not teach a wiring clip which attaches to the sides of a metal framing member. Thus, the applicant respectfully asserts that the Knezo Jr. patent does not anticipate the applicant’s pending claims. Accordingly, reconsideration and withdrawal of the rejection of claims 1-6 under 35 USC §102(b) is respectfully requested.

Claims 1, 5-10, and 12-13 have been rejected under 35 USC §102(b) as being anticipated by Jacobson (U.S. Patent No. 2,631,809). The applicant respectfully traverses this rejection on the grounds that the Jacobson patent does not suggest a wiring clip as claimed in claims 1, 5-10, and 12-13.

As discussed above, a reference must teach every element of the claimed invention for all that is being relied upon in making a rejection. The clip disclosed in the Jacobson patent is not for securing wiring to a metal framing member, but, rather, for suspending furring bars from ceilings.

does not disclose or suggest the unique and advantageous device and method claimed by the current applicant.

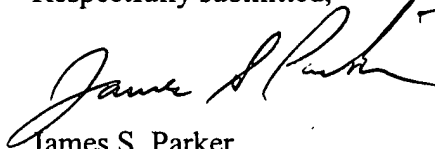
As discussed above, the clip disclosed in the Knezo, Jr. patent is not for securing wiring to a metal framing member having a face and two sides, but, rather, requires a horizontal or transverse supporting member attached to a pair of vertically disposed members (see col. 3, lines 26-30), with the transverse supporting members having a number of holes or slots to which the clip is mounted (see col. 4, lines 2-7). The Knezo, Jr. patent does not teach, either expressly or impliedly, attaching the clip directly onto a metal framing member. Further, the Knezo, Jr. patent fails to disclose a secondary attachment means for securing the wiring clip to the metal framing member. In contrast, the method disclosed in claims 14-16 relates to securing electrical wiring to a metal framing member with a wiring clip comprising a first, and second, attachment means for attaching the first, and second, arms to a first, and second, inner edge of a metal framing member. One of ordinary skill in the art would have had no motivation to modify the device disclosed in the Knezo, Jr. patent without the guidance of the applicant's disclosure. Without such motivation, no *prima facie* case of obviousness has been made. Accordingly, the applicant respectfully requests reconsideration and withdrawal of the rejection set forth under 35 USC §103(a).

In view of the foregoing, the applicant believes that all claims as currently pending are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge to Deposit Account 19-0065 any fees under 37 CFR 1.16 or 1.17 as required by this paper.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this amendment, or if the Examiner believes that a telephone interview would expedite prosecution of the subject application to completion.

Respectfully submitted,



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Attachments: Petition and Fee for Extension of Time; Replacement of Figures 1-6; Marked-Up Version of Substituted Paragraphs; Marked-Up Version of Amended Claims; Marked-Up Version of Amended Figures 1-6.

Marked-Up Version of Substituted ParagraphsPage 3, lines 10-11:

Figure 4 is a top view of [the of] an embodiment of the subject invention securing wiring [secured] to a metal framing member, with screws securing the sides of the subject clip to the metal framing member.

Page 3, lines 14-15:

Figure 6 is a [bottom]top view of a specific embodiment [the clip] of the present invention [being secured to the metal stud with a screw] wherein the wire receiving area opens outward such that the wiring can be placed into the wire receiving area after the wiring clip is attached to the framing member.

Page 4, lines 12-24:

In a preferred method of use, the wiring is positioned with respect to the framing member prior to securing the wiring clip 10 to the framing member. As shown in Figures 4 and 5, the wiring can then be secured in the proper location on the metal framing member 40 by securing the J-hook 22 at the end 20 of the first arm 16 about the first inner edge 42 of the metal framing member 40. The wiring clip 10 can then be positioned over the metal framing member 40 such that the electric wiring is within the wire receiving area 12. The wiring clip 10 can then be secured to the metal framing member 40 by clipping end 24 of the second arm 18 about the second inner edge 44 of the metal framing member 40. The end 24 permits the wiring clip 10 to be removably attached to the metal framing member 40, such that the wiring clip 10 can be temporarily removed from the metal framing member 40 to, for example, install additional wiring. If desired, the wiring clip 10 can be further secured by crimping the end 24 of the second arm 18 to match the contours of the second inner edge 44 of the metal framing member 40.

Page 4, line 25 through page 5, line 5:

Preferably, sides 16 and 18 are thin enough so as to not impair proper placement of dry wall, or other covering material, onto the sides of the metal framing members. In addition, it is preferable

that sides **16** and **18** allow drywall screws, or other covering fastening screws, to easily penetrate through sides **16** and **18** and into the side of the framing member **40**. In a specific embodiment, as shown in Figure 4, the wiring clip **10** can be further secured to the framing member **40** by means of a secondary attachment device, such as a screw **30** or other similar means. To secure, a screw **30** can be driven through, for example, the first arm **16** and/or the second arm **18** and into the metal framing member **40**. Preferably, the protrusion of the secondary attachment device should be such as to not interfere with proper placement of dry wall, or other covering material, onto the sides of the metal framing members.

Page 5, lines 6-16:

Referring to Figure 6, a specific embodiment of the subject wiring clip is shown wherein the wire receiving area opens outward such that the wiring can be placed into the wire receiving area after the wiring clip is attached to the framing member. Alternatively, in this embodiment the wiring can be secured in the wire receiving area prior to securing the wiring clip to the framing member. As shown in Figure 6, once a wire is positioned in the wire receiving area **12**, sides **46** and **48** can be pushed toward each other and snapped together so as to secure the wire within the wire receiving area. As needed, the snap mechanism **50** holding sides **46** and **48** together can be a one-time snap or can be an open-and-close snap. Also, other closure mechanisms can be used. For example, friction can be relied on to hold the wiring between sides **46** and **48**. Preferably, the wiring clip of Figure 6 can be made of a flexible plastic or other appropriate material.

Page 9, lines 1-12 (abstract):

[The subject invention pertains to a] A wiring clip for securing electrical wiring to metal framing members. In a specific embodiment, the subject clip can secure the wiring a required distance from the nearest edge or face of the metal framing member to which a wall board is to be secured. The wire clip generally resembles an open frame having a wire receiving area formed in the main body, where the wire receiving area is centrally located within the main body. The wire clip is generally of U-shaped configuration, with two arms being joined to the main body. The end of the first arm is bent to form a J-hook, such that the J-hook can be hooked about a first

inner edge of a metal stud. The end of the second arm comprises a clip, such that the clip can be removable, secured about the second inner edge of the metal stud. The arms, as well as the main body, are resilient, such that the arms and the main body will embrace the metal stud.

Marked-Up Version of Amended Claims

Claim 5 (amended):

The wiring clip according to claim 1, wherein said first attachment means for attaching comprises a J-hook.

Claim 6 (amended):

The wiring clip according to claim 5, wherein said second attachment means for attaching comprises a bend in the second arm which can be slipped around an inner edge of the second side of the framing member.

Claim 10 (amended):

The wiring clip according to claim 1, wherein said wire receiving area comprises a closure means for securing the wiring [such that wiring can be secured] within the wire receiving area [by said closure means].

Claim 11 (amended):

The wiring clip according to claim 10, wherein said closure means for securing the wiring within the wire receiving area comprises a snap mechanism.

Claim 14 (amended):

A method for securing electrical wiring to a metal framing member with a wiring clip, wherein the wiring clip comprises a main body; a wire receiving area; a first arm, wherein said first arm is located at a first end of said main body, and said first arm comprises a first attachment means for attaching said first arm to a first inner edge of a metal framing

member; and a second arm, wherein said second arm is located at a second end of said main body and said second arm comprises a second attachment means for attaching said second arm to a second inner edge of the metal framing member, the method for securing comprising the following steps:

- b) positioning the electrical wiring along a metal framing member;
- b) attaching said first arm to a first inner edge of the metal framing member via said first attachment means [of]for attaching said first arm to a first inner edge of [a]the metal framing member;
- c) moving said wiring clip over the metal framing member such that the electrical wiring is positioned within said wire receiving area;
- d) attaching said second arm to a second inner edge of the metal framing member via said second attachment means [of]for attaching said second arm to a second inner edge of the metal framing member.

Claim 15 (amended):

The method for securing electrical wiring to a metal framing member with a wiring clip according to claim [11]14, further comprising the step of securing said wiring clip to the metal framing member with a secondary attachment means for attaching said wiring clip to the metal framing member.

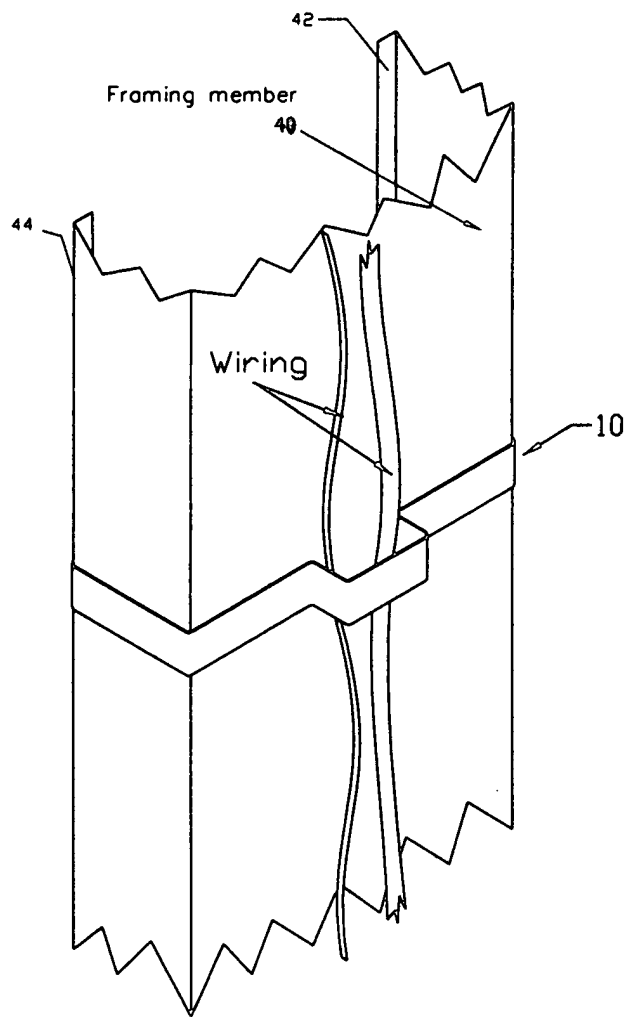


FIG. 5

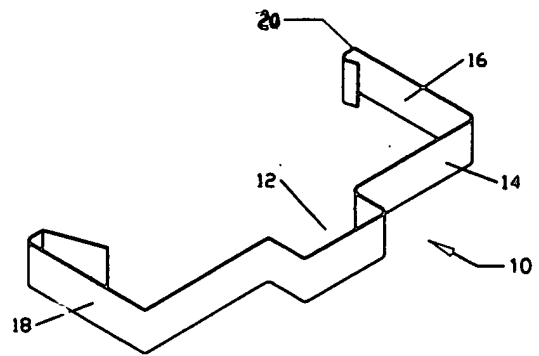


FIG. 1

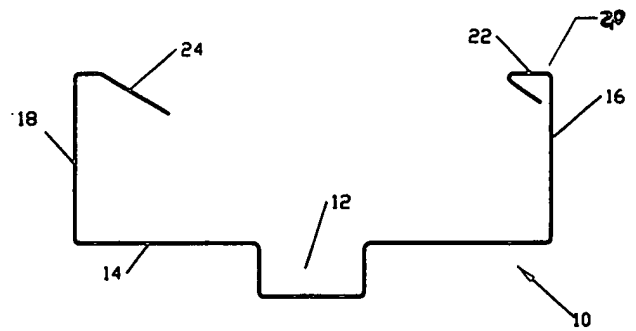


FIG. 2

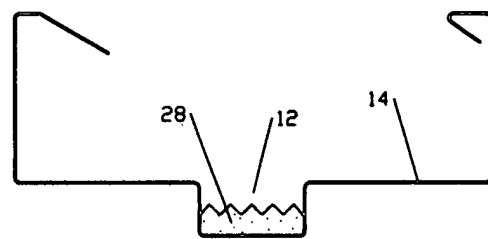


FIG. 3

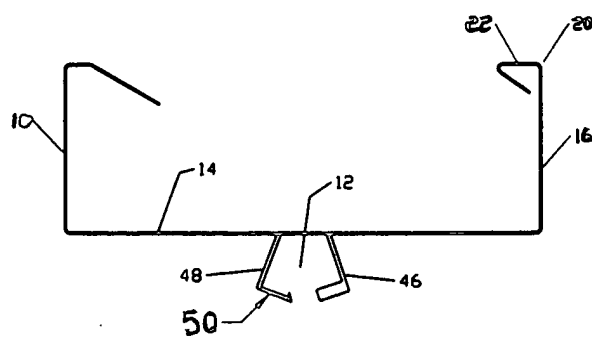


FIG. 6

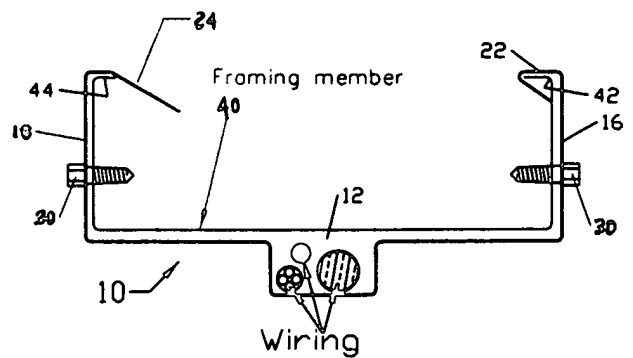


FIG. 4

Approved
Wm
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